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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,181	12/07/2001	L. Michael Maritzen	Sony-00500	5866
	7590 11/12/2004		EXAMINER	
Valley Oak Law #106 5655 Silver Creek Valley Road San Jose, CA 95138			WASSUM, LUKE S	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

10/017,181

**Applicant(s)**

MARITZEN ET AL.

**Examiner**

Luke S. Wassum

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The Applicants' amendment, filed 24 September 2004, has been received, entered into the record, and considered.
2. As a result of the amendment, claims 1, 9, 18 and 22 have been amended, and claims 20 and 21 have been canceled. Claims 1-19 and 22-26 remain pending in the application.
3. The claimed invention is a system for a context-aware switching model enabled between different access points such as web sites.

### *Drawings*

4. The Applicants' submission of replacement drawings for Figures 1-3 is acknowledged.
5. As a result of the replacement drawings, the examiner withdraws the pending objection to the drawings.
6. The examiner notes, however, that Figures 4-9 continue to contain reference numbers and drawings that are hand-drawn. While these drawings are acceptable for examination purposes, the examiner encourages the Applicant to submit formal drawings at the earliest opportunity. Early submission of formal drawings will help expedite post-allowance processing and publication of the issued patent.

*Specification*

7. In view of the Applicants' amendment to the specification, the examiner withdraws the pending objections to the specification.

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 6-13, 18 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Anderson et al.** (U.S. Patent 6,233,332).
10. Regarding claim 1, **Anderson et al.** teaches a transaction device for interfacing with a user as claimed, comprising:
- a) a context data module for capturing and distributing context data wherein the context data module is configured to automatically capture the context data in response to a user input for an unrelated request (see disclosure of the capture of context data, including identity of the customer, the particular pages presented at the Web site that were accessed by the customer, the duration of these accesses, and other passively collected customer data, col. 9, lines 45-62); and

- b) a storage device connected to the context data module for storing the context data (see disclosure of the various databases for storing customer context information, col. 7, lines 12-21).
11. Regarding claim 9, **Anderson et al.** teaches a method as claimed, comprising:
- a) automatically capturing context data on a transaction device through responding to a request from a website (see disclosure of the capture of context data, including identity of the customer, the particular pages presented at the Web site that were accessed by the customer, the duration of these accesses, and other passively collected customer data, col. 9, lines 45-62);
  - b) storing the context data on a storage device (see disclosure of the various databases for storing customer context information, col. 7, lines 12-21); and
  - c) distributing the context data from the storage device to a remote location, wherein the request from the website is independent from storing the context data on the storage device (see disclosure of the context data being passed along with the customer's communication connection to the next link in the call connection, col. 9, lines 53-57).
12. Regarding claim 18, **Anderson et al.** teaches a method as claimed, comprising:
- a) visiting a website (see disclosure of the customer contacting customer service through the use of a Web site, col. 9, lines 31-43);
  - b) automatically capturing context data on a transaction device in response to visiting the website wherein the context data is an address of the website (see disclosure of the capture of context data, including identity of the customer, the particular pages

presented at the Web site that were accessed by the customer [constituting the claimed address of the website], the duration of these accesses, and other passively collected customer data, col. 9, lines 45-62); and

- c) receiving the context data in a remote location thereby obviating a redundant user input of the location of the website (see disclosure of the context data being passed along with the customer's communication connection to the next link in the call connection, col. 9, lines 53-57).

13. Regarding claim 22, **Anderson et al.** teaches a computer-readable medium having computer instructions for performing a method comprising:

- a) automatically capturing context data on a transaction device through responding to a request from a website (see disclosure of the capture of context data, including identity of the customer, the particular pages presented at the Web site that were accessed by the customer, the duration of these accesses, and other passively collected customer data, col. 9, lines 45-62);
- b) storing the context data on a storage device (see disclosure of the various databases for storing customer context information, col. 7, lines 12-21); and
- c) distributing the context data from the storage device to a remote location, wherein the request from the website is independent from storing the context data on the storage device (see disclosure of the context data being passed along with the customer's communication connection to the next link in the call connection, col. 9, lines 53-57).

Art Unit: 2167

14. Regarding claims 6, 7, 10 and 11, **Anderson et al.** additionally teaches a transaction device and method wherein the context data includes personal and financial data (see disclosure that context data includes a history of past interactions with the customer, accounting data [constituting the claimed personal and financial data], and data collected from other sources that is relevant to the provision of personalized service to the customer, col. 8, lines 15-19).

15. Regarding claims 8 and 12, **Anderson et al.** additionally teaches a transaction device and method wherein the context data includes a website visitation history of a user (see disclosure of the capture of context data, including identity of the customer, the particular pages presented at the Web site that were accessed by the customer, the duration of these accesses, and other passively collected customer data, col. 9, lines 45-62).

16. Regarding claim 13, **Anderson et al.** additionally teaches a method wherein the remote location is a website (see col. 8, line 50 through col. 9, line 5).

### *Claim Rejections - 35 USC § 103*

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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18. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claims 2-5, 14, 15, 17, 19, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Anderson et al.** (U.S. Patent 6,233,332) as applied to claims 1, 6-13, 18 and 22 above, and further in view of **Fortenberry et al.** (U.S. Patent 6,005,939).

21. Regarding claims 2-5, 17, 19 and 26, **Anderson et al.** teaches a transaction device, method and computer-readable medium substantially as claimed.



**Anderson et al.** does not explicitly teach a transaction device, method and computer-readable medium further comprising interfaces for receiving pre-selected distribution and context data preferences, and whereby context data is captured and distributed in accordance with said preferences.

**Fortenberry et al.**, however, teaches a transaction device, method and computer-readable medium further comprising interfaces for receiving pre-selected distribution and context data preferences, and whereby context data is captured and distributed in accordance with said preferences (see disclosure of the ability to assign security levels to each item of information, col. 2, lines 17-23 and col. 7, lines 24-33; see also the distinction between real information and virtual information, col. 6, line 52 through col. 7, line 23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user the ability to control what type of information is captured and distributed, since this would help to protect the user's privacy (see col. 2, lines 17-23).

22. Regarding claims 14, 15, 23 and 24, **Fortenberry et al.** additionally teaches a method and computer-readable medium wherein the remote location is a transaction privacy clearing house (see disclosure of the problem to be solved, col. 1, lines 13-49), and wherein the storage device is within the transaction device (see disclosure of the passport database within the passport agent, col. 5, line 62 through col. 6, line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a transaction privacy clearinghouse, since this would allow a user to specify particular information once and have the information be used each time the user accesses any site on the public network (see col. 1, lines 45-48).

23. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Anderson et al.** (U.S. Patent 6,233,332) as applied to claims 1, 6-13, 18 and 22 above, and further in view of **Stolfo et al.** (U.S. Patent Application Publication 2004/0002903).

24. Regarding claims 16 and 25, **Anderson et al.** teaches a method and computer-readable medium substantially as claimed.

**Anderson et al.** does not explicitly teach a method and computer-readable medium wherein the storage device is outside the transaction device.

**Stolfo et al.**, however, teaches a method and computer-readable medium wherein the storage device is outside the transaction device (see paragraphs [0082] through [0084]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to maintain the storage device outside the transaction device, since the context data would then be more conveniently accessed and available for use by other transaction processors.

*Response to Arguments*

25. Applicant's arguments with respect to claims 1-19 and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*


26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Luke S. Wassum  
Primary Examiner  
Art Unit 2167

lsw  
8 November 2004